

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

**SECURITIES AND EXCHANGE
COMMISSION,**

Plaintiff,

v.

**SPONGETECH DELIVERY SYSTEMS,
INC., RM ENTERPRISES
INTERNATIONAL, INC., STEVEN Y.
MOSKOWITZ, MICHAEL E. METTER,
GEORGE SPERANZA, JOEL PENSLEY,
and JACK HALPERIN,**

Defendants.

Civil Action No. 10-CV-2031 (DLI)

**DECLARATION OF R. ADAM
SWICK IN OPPOSITION TO
PLAINTIFF SECURITIES
AND EXCHANGE
COMMISSION'S MOTION TO
APPOINT A RECEIVER**

R. ADAM SWICK, hereby declares as follows:

1. I am an attorney at law duly admitted to practice in the State of Texas. I am an associate at the law firm of Greenberg Traurig LLP ("GT"), attorneys of record for Defendants Michael E. Metter and Spongetech International, Inc. in this action, and am fully familiar with the facts and proceedings set forth herein. I submit this Declaration in opposition to Plaintiff Securities and Exchange Commission's ("SEC") Motion to Appoint a Receiver.

2. Attached hereto as Exhibit "A" is a true and correct copy of Spongetech Delivery System Inc.'s and Dicon Technologies LLC's Emergency Motion For (I) Reconsideration Of The Order Appointing A Chapter 11 Trustee And Scheduling A Hearing Thereon And (II) An Immediate Stay Of The Order Appointing A Chapter 11 Trustee And Request For Expedited Hearing, filed on June 28, 2010 in the action entitled *In re: Dicon Technologies, LLC, Alleged Debtor*, Case No. 10-41275, pending before the United States Bankruptcy Court for the Southern District of Georgia, Savannah Division ("Dicon Bankruptcy Action").

3. Attached hereto as Exhibit "B" is a true and correct copy of the Order Staying Order Appointing Chapter 11 Trustee dated June 29, 2010 entered in the Dicon Bankruptcy Action.

4. Attached hereto as Exhibit "C" is a true and correct copy of a letter dated June 25, 2010 from Charlotte Oktavec to Hon. Dora L. Irizarry, U.S.D.J.

5. Attached hereto as Exhibit "D" is a true and correct copy of a letter dated June 19, 2010 from Krystal L. Claflin to Hon. Dora L. Irizarry, U.S.D.J.

6. Attached hereto as Exhibit "E" is a true and correct copy of a letter dated June 25, 2010 from Michael Strickland to Hon. Dora L. Irizarry, U.S.D.J.

7. Attached hereto as Exhibit "F" is a true and correct copy of the Unanimous Written Consent Of The Board Of Directors Of Spongetech Delivery Systems, Inc. effective as of July 8, 2010.

8. Attached hereto as Exhibit "G" is a true and correct copy of the [Proposed] Order Granting Appointing A Receiver Over Defendant Spongetech Delivery Systems, Inc., filed in this action by the SEC on June 18, 2010.

9. Attached hereto as Exhibit "H" is a true and correct copy of an email with attachments dated June 14, 2010 from Paul R. Bessette, Esq. to Jeffrey Tao, Esq.

10. Attached hereto as Exhibit "I" is a true and correct copy of an email dated June 14, 2010 from Paul R. Bessette, Esq. to Jeffrey Tao, Esq.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: Austin, Texas
July 9, 2010


R. ADAM SWICK